

26. A method for providing aromatherapy to persons within an ambient environment comprising directly applying a liquid composition to an inanimate surface to effect a household function selected from the group consisting of surface cleaning, surface shining, degreasing, cleansing, foreign matter removal, moisturizing, dish soaps, and ironing liquids, the liquid composition comprising only two liquid solvents and an aromatherapeutic concentration of an aromatherapeutic essential oil, completing the household function, allowing the aromatherapeutic essential oil to remain within the ambient environment to effect aromatherapy on persons or animals within the ambient environment.

REMARKS CONCERNING THE AMENDMENTS

No amendments to the specification or claims has been made.

RESPONSE TO THE REJECTIONS

Rejections Under 35 U.S.C. 112, First Paragraph

Accompanying this Amendment are the following articles showing common knowledge in the art of "petuli oil" which has been questioned by the rejection under this issue. The first publication is at Expatmum.com home page, showing petuli oil to be an aromatherapeutic essential oil that can be used in massages (Updated September 2001). The second publication is NY ROCK "World beat" published on the Internet in August of 1998, the section on Only Bonehead 101 indicating the use of petuli aroma by rock bands. The third document is one page of a search result on Google.com showing numerous references to petuli oil or materials (candles, waxes, etc.) with petuli. It is clear that one skilled in the art should be aware of the commercial availability of petuli oil. More authoritative literature references can be provided if needed. The term is often spelled with alternative spelling, as shown by the inclusion of literature relating to "Patchouli oil."

Rejections Under 35 U.S.C. 112, Second Paragraph

Each of the objected to terms will be addressed in the discussion below.

a) Claims 1 and 22 “ambient environment.”

That term is specifically defined in the specification on page 21, lines 13-18. That definition is clear, concise and sufficiently precise to enable one of ordinary skill in the art to understand the limits of the claims. As that term has been clearly defined in the specification and that definition is clear to one skilled in the art, the rejection is in error and must be withdrawn. Application would be willing to insert a definition based on the disclosure into the claims, although that would render the claim more wordy. Applicants do not understand how the rejection asserts that there is no definition at the cited location. The precise quote at that location is:

“By ambient environment, it is meant an environment where there is some significant confinement of the air in that region, such as a residence, business office, enclosed vehicle, kitchen, rest room, lavatory, theatre, museum, or the like. It would not apply to an outdoor stadium, park area, or the like. The ambient environment should not have all air in the volume replaced in less than fifteen minutes for the release of the aromatherapy benefits of the essential oils.” Page 21, lines 13-18.

That language is clearly a definition of the term that is also consistent with the common and readily understood meaning of the term. One of ordinary skill in any scientific art would understand this term, even without the precise definition provided in the specification.

b) Claims 1, 21 and 22, the phrases “allowing the aromatherapeutic essential oil to remain within the ambient environment,” and “for effecting aromatherapy to an ambient environment.”

The terminology of allowing the aromatherapeutic essential oil to remain within the ambient environment is clear upon consideration of the definition of ambient environment within the specification. As the claim recites “the” essential oil, and the only reference to essential oil is that applied to a surface during a household function, it must be the applied essential oil that remains in the ambient environment (e.g., the room without substantial modification of the environment). The claim cannot be interpreted as allowing the oil in a bottle to remain in the ambient environment, as that could not be “the” essential oil. Such an attempt to find a meaning in the term that is incompatible with the logical and literal recitation of the claim does not provide evidence of lack of compliance with 35 USC 112, second paragraph.

c) Claim 25, petuli oil.”

As shown above, the essential oil, petuli oil (alternatively spelled as “patchouli oil,” is known in the art and is not ambiguous.

All issues under 35 U.S.C. 112, first paragraph and second paragraph have been overcome by the above amendment, arguments or comments.

Rejections Under 35 U.S.C. 102(b) and 35 U.S.C. 102(e)

Claim 1 recites:

A method for providing aromatherapy to persons or animals within an ambient environment comprising applying a liquid composition to an inanimate surface to effect a household function selected from the group consisting of surface cleaning, surface shining, degreasing, cleansing, foreign matter removal, moisturizing, dish soaps, and ironing liquids, the liquid composition comprising an aromatherapeutic concentration of an aromatherapeutic essential oil of 0.1 to 20% by weight of the liquid composition, completing the household function, allowing the aromatherapeutic essential oil to remain within the ambient environment to effect aromatherapy on persons or animals within the ambient environment, solvents in said liquid composition consisting essentially of liquids selected from the group consisting of water and alcohols.

Claims 1-21 Have Been Rejected As Anticipated by Ferguson et al. (U.S. Pat. No. 6,045,813)

Ferguson et al. shows an encapsulated medium that is applied with active cleaning ingredients or other functional ingredients in a friable microcapsule. A liquid with the microcapsules dispersed therein are applied to a surface, and the capsules must be broken to cause contact of the active ingredients with the surface. There is no **direct** application of the liquid composition to the surface. Direct means exactly that – application of the material directly, without intermediate steps (such as rupturing of shells) to a surface. That recitation specifically excludes the practice of Ferguson et al. Applicants would have likewise been willing to accept

language consistent with “non-encapsulated” (for which conception is shown in the specification and the examples, where no capsules are used), but would use that term only upon pre-agreement by the Examiner that there is no issue of lack of antecedent basis under 35 USC 112, first or second paragraphs in the use of that language. The previous amendment of “directly” applying the liquid is sufficient to exclude the compositions of Ferguson et al. This reference is not anticipatory of the subject matter of the claims.

Rejections Under 35 U.S.C. 103(a)

Claims 1-26 have been rejected under 35 USC 103(a) as unpatentable over Ferguson et al. in view of Bonett in further view of Orson and Bajgrowicz. This rejection is respectfully traversed. The rejection fails to show the actual limitations of the claims to be obvious, but rather attacks the individual contents of the compositions and the general field of the invention. The references do not even teach what they must teach to show the limitations of the invention.

For example, Bonett teaches a single composition that may be separated into two components, and then the components mixed to form a single active composition. This is not a kit with distinct and “separate” active solutions that are complete in themselves. The specific language of the claims is “...at least three separate liquid household products...” Even a single ultimate composition split into two distinct subcomponents that must be later blended cannot approach a teaching of that aspect of the invention.

The teaching of mint oil and citrus oil as a fragrance by Orson is admitted to be art that such fragrances exist (as is already done in the specification), but the showing is still of a single container, with a single composition, which might have numerous uses. That does not meet the limitations of the kit claims.

Bajgrowicz also teaches no more than that different products may be made from essential oils. There is no disclosure that distinct composition having distinct household functions may be separately packaged within a kit so that, when used in conjunction, a single aromatherapy effect may be produced.

It must be noted that Ferguson et al. is specific to and exclusive to microcapsule delivery systems. The compositions are also tailored for indirect delivery through the use of microcapsules. It would not be obvious to eliminate an essential part of the invention of

AMENDMENT AND RESPONSE

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Ferguson and modify the composition to merely more closely approximate the disclosure and claims of the present application. There is nothing in the teachings of the secondary references that would motivate one of ordinary skill in the art to modify the delivery system of Ferguson and use the claimed compositions of Applicants.

CONCLUSION

For the above reasons, the rejections of record are in error and should be withdrawn. Applicants would appreciate a telephone call from the examiner if any personal conference would be useful in addressing any remaining issues in this Application. The Examiner is invited to telephone Applicant's attorney at (952)832.9090 to facilitate prosecution of this application.

Respectfully submitted,

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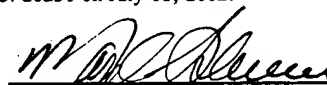


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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to BOX AMENDMENT, Assistant Commissioner of Patents, Washington, D.C. 20231 on July 18, 2002.

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